

CAUSE NO. 2017-10832

JETALL COMPANIES, INC.

vs.

RICHARD HEIL, TODD OAKUM, and
RENEE DAVY f/k/a RENEE DAVY f/k/a
RENEE OAKUM§
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IN THE DISTRICT COURT OF

152ND JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

FINAL JUDGMENT

On March 9, 2020, this case was called for trial. Plaintiff, Jetall Companies, Inc., ("Plaintiff" or "Jetall") appeared with its representative and through its attorneys and announced ready for trial. Defendants Richard Heil and Renee Davy f/k/a Renee Oakum appeared in person and through their attorneys announced ready for trial. Defendant Julio Fernandez appeared through his attorneys and announced ready for trial. Defendant Todd Oakum did not appear. Defendant Alan Daughtry was nonsuited on August 1, 2019.

The Parties stipulated prior to jury selection that the issue of attorneys' fees, including the reasonableness of same, would be submitted to this Court to decide after the conclusion of the trial. After a jury was impaneled and sworn, it heard the evidence and arguments of counsel. On March 17, 2020, Plaintiff announced that it was non-suiting its aiding and abetting claims against all Defendants.

On March 18, 2020, the Court charged the jury and the jury returned its verdict in favor of all Defendants, finding that:

- Todd Oakum did not agree to assign his interest in Declaration Title Company, LLC to Jetall in the Memorandum of Understanding dated June 24, 2016;
- Renee Davy did not agree to assign her interest in Declaration Title Company, LLC to Jetall in the Memorandum of Understanding dated June 24, 2016;
- Renee Davy and Jetall did not agree to the June 29, 2016 proposal; and
- Renee Davy did not commit fraud against Jetall.

A true and correct copy of the Charge of the Court and Verdict Certificate is attached hereto as *Exhibit A* and incorporated by reference.

Pursuant to the jury's findings, it is hereby ORDERED, ADJUDGED AND DECREED that

1. Jetall take and recover nothing, on all its claims, against all Defendants, Todd Oakum, Renee Davy, Richard Heil and Julio Fernandez;
2. Jetall owns no interest in Declaration Title Company, LLC, whatsoever;
3. Defendants Richard Heil and Julio Fernandez, collectively, are and have been the true and lawful owners of 100% of Declaration Title Company, LLC since August 2, 2016;
4. Pursuant to the Uniform Declaratory Judgment Act (TEX. CIV. PRAC. & REM. CODE, 37.001, *et seq.*), Defendant **Richard Heil** shall hereby recover from and against Jetall his reasonable and necessary attorneys' fees incurred in the prosecution and defense of this matter in the following amounts:

A. In the trial court: \$ 157,324.68; and

B. If an appeal by Jetall is unsuccessful, then **Richard Heil** shall recover these sums from and against Jetall:

- 1) **\$22,500.00** for an appellee's brief to the Court of Appeals,
- 2) **\$7,500.00** if oral argument is conducted at the Court of Appeals,
- 3) **\$9,000.00** for a response to each motion for hearing at the Court of Appeals,

- 4) **\$9,000.00** for a response to a petition for review to the Supreme Court of Texas,
 - 5) **\$12,000.00** for a response brief on the merits to the Supreme Court of Texas,
 - 6) **\$6,000.00** for oral argument conducted before the Supreme Court of Texas, and
 - 7) **\$9,000.00** for each response to motion for rehearing to the Supreme Court of Texas, whether at the petition stage or a rehearing of a cause;
5. Pursuant to the Uniform Declaratory Judgment Act (TEX. CIV. PRAC. & REM. CODE, 37.001, *et seq.*), Defendant **Renee Davy** shall hereby recover from and against Jetall her reasonable and necessary attorneys' fees incurred in the prosecution and defense of this matter in the following amounts:
- A. In the trial court: \$ 186,705.21; and
 - B. If an appeal by Jetall is unsuccessful, then **Renee Davy** shall recover these sums from and against Jetall:
 - 1) **\$22,800.00** for an appellee's brief to the Court of Appeals,
 - 2) **\$7,600.00** if oral argument is conducted at the Court of Appeals,
 - 3) **\$11,400.00** for a response to each motion for hearing at the Court of Appeals,
 - 4) **\$11,400.00** for a response to a petition for review to the Supreme Court of Texas,
 - 5) **\$15,200.00** for a response brief on the merits to the Supreme Court of Texas,
 - 6) **\$7,600.00** for oral argument conducted before the Supreme Court of Texas, and
 - 7) **\$11,400.00** for each response to motion for rehearing to the Supreme Court of Texas, whether at the petition stage or a rehearing of a cause;
6. Defendants Richard Heil, Julio Fernandez, and Renee Davy shall hereby recover from and against Jetall their costs of court.

7. Defendants, Richard Heil and Renee Davy, are entitled to and shall recover from and against Jetall post-judgment interest in the amount of five percent (5%) per year, as required by the Texas Finance Code (TEX. FIN. CODE § 304.003). Such post-judgment interest shall begin to accrue on the date this Judgment is signed and rendered by the Court;
8. Defendants shall have all appropriate and necessary writs, executions and process, as many and as often as are necessary, for enforcement and collection of this order; and
9. Defendants shall recover from Plaintiff, Jetall Companies, Inc., any and all reasonable and necessary attorneys' fees incurred in connection with the enforcement and collection of this judgment.

All other relief that is not expressly granted herein is denied. This Judgment is final and disposes of all claims and all parties.

SIGNED this the _____ day of _____, 2020.

Signed: 
6/23/2020

JUDGE PRESIDING

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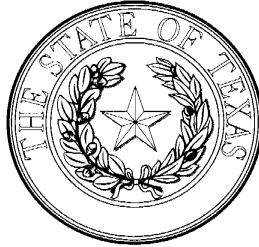
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JUDGMENT

Court of Appeals First District of Texas

NO. 01-20-00615-CV

JETALL COMPANIES, INC., Appellant

V.

RICHARD HEIL, TODD OAKUM, AND RENEE DAVY F/K/A RENEE DAVY F/K/A
RENEE OAKUM, Appellees

Appeal from the 152nd District Court of Harris County. (Tr. Ct. No. 2017-10832).

This case is an appeal from the final judgment signed by the trial court on June 23, 2020. After submitting the case on the appellate record and the arguments properly raised by the parties, the Court holds that the trial court's judgment contains no reversible error. Accordingly, the Court **affirms** the trial court's judgment.

The Court orders that the appellant, Jetall Companies, Inc., pay all appellate costs.

The Court **orders** that this decision be certified below for observance.

Judgment rendered August 16, 2022.

Panel consists of Justices Landau, Guerra, and Farris. Opinion delivered by Justice Guerra.